

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:)	CASE NO. 07-02089-5-ATS
)	
CHRISTOPHER SEAN MILLER,)	CHAPTER 13
HEATHER BARNWELL MILLER,)	
Debtors.)	

LIMITED RESPONSE TO COUNSEL'S MOTION TO WITHDRAW (NO OBJECTION)

NOW COMES the former Chapter 7 Trustee in this matter and responds to the Motion to Withdraw filed by Debtor counsel for the purpose of clarifying the record in this matter. The undersigned has no objection to the relief requested therein. However, with respect to the statement contained therein that among the issues remaining is "the finalization of a settlement the Debtors agreed to 'directly' with the former Chapter 7 Trustee (which, for the record, was not based upon the advise, counsel, suggestion or encouragement of the applicant law firm or any of its employed attorneys)...." No agreement was reached by the former Chapter 7 Trustee with the Debtors because he has politely but steadfastly declined to deal "direct" with the Debtors. Last week, an email from the Debtors sent to the undersigned regarding a proposed resolution to this case. That reply was in turn forwarded to Debtor Counsel with the request that communications be through his office. Yesterday (January 16), Mrs. Miller called the Trustee "direct" again wishing to discuss the possible resolution, but she was very politely told by the undersigned that communication must be through her counsel until either (a) he withdrew (she relayed that was in process), or (b) Debtor counsel gave the undersigned authority to speak "direct" with the Debtors. A subsequent call by the undersigned to Debtors Counsel has not resulted in authority to deal with the Debtor "direct." Furthermore, a different trustee has been named due to the case conversion.

The undersigned does not oppose and does not contest the Motion to Withdraw in any manner. No hearing or delay is sought. Counsel for Debtor has correctly stated that the undersigned does not oppose and agreed to the ex parte abeyance request made by the separate filing. Furthermore, the undersigned does not state that Debtor's Counsel was insinuating improper behavior by him with the "direct" comment. So far as the undersigned knows, relations between him and Debtors Counsel remain relatively cordial and professional. However, given the history of this matter, it is desired by the undersigned that the record be crystal clear.

DATED: January 17, 2007.

BATTLE, WINSLOW, SCOTT & WILEY, P.A.

by: s/Joseph N. Callaway

Joseph N. Callaway
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Attorney for Trustee
P.O. Box 7100
Rocky Mount, NC 27804-0100
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CERTIFICATE OF SERVICE

I, Joseph N. Callaway, Attorney for Trustee in this action, hereby certify that on the 17th day of January, 2008, I served the documents to which this certificate is attached:

LIMITED RESPONSE TO COUNSEL'S MOTION TO WITHDRAW (NO OBJECTION)

by depositing a copy thereof postpaid in a post office or official depository under the exclusive care and custody of the United States Postal Service, in a wrapper, addressed to each of the following parties of interest in this action at the following last known addresses:

Marjorie K. Lynch, Bankruptcy Administrator
U.S. Bankruptcy Court
Eastern District of North Carolina
P.O. Box 3758
Wilson, NC 27895-3758

Christopher and Heather Miller
Chapter 7 Debtors
135 Ryder Cup Circle
Raleigh, NC 27603

Mr. Josh Hillin
Mr. John Orcutt
Attorney for Debtors
Offices of John T. Orcutt, P.C.
6616-203 Six Forks Road
Raleigh, North Carolina 27615

Mr. John Logan
Chapter 13 Trustee
P.O. Box 61039
Raleigh, NC 27661-1039

s/Joseph N. Callaway
Joseph N. Callaway
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